

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELIZABETH SILVER,

Plaintiff,

-against-

MARIO LAVANDEIRA, Jr.,
a/k/a MARIO LAVANDEIRA,
a/k/a PEREZ HILTON,

Defendant.
-----X

11/18/08
08 Civ. 06522 (JSR) (DF)

ORDER

DEBRA FREEMAN, United States Magistrate Judge:

The Court having held a case management conference on November 7, 2008, with Plaintiff *pro se* and counsel for Defendant, it is hereby ORDERED, as stated on the record at that conference, that:

1. If Plaintiff wishes to revise her Amended Complaint so as to clarify the claims that she wishes to pursue in this action (but not to add any new claims or name any new defendants), she may serve and file a Second Amended Complaint, no later than November 21, 2008, without first seeking leave of Court. Plaintiff is cautioned, however, that any Second Amended Complaint that she files will be viewed as replacing and superceding her previously-filed pleadings, and, therefore, she should not attempt to incorporate by reference any prior pleadings. To the extent Plaintiff wishes to file a Second Amended Complaint that would add any new claims or new parties, she must proceed by way of a motion for leave to amend.

2. Any motions for leave to amend shall be served and filed no later than December 31, 2008. The Court will require a showing of "good cause" for any motion to amend filed after that date.

11-18-08
Debra Freeman
United States Magistrate Judge Freeman

3. Defendant's time to move, answer, or otherwise respond to the Amended Complaint is extended to December 23, 2008; if Plaintiff timely files a Second Amended Complaint in accordance with paragraph 1, above, then Defendant shall respond to that pleading by December 23, 2008.

4. If, by December 23, 2008, Defendant files a motion to dismiss Plaintiff's pleading, then Plaintiff shall serve and file her opposition to the motion no later than January 23, 2009, and Defendant shall file his reply, if any, no later than February 6, 2009.

5. Plaintiff's Motion to Seal Certain Documents (Dkt. 16) and Plaintiff's Motion for Limited Discovery (Dkt. 20) have, for now, been rendered moot by Plaintiff's filing of the Amended Complaint and by the resulting withdrawal by Defendant of his motion to dismiss the Complaint. Accordingly, both of these motions (Dkts. 16 and 20) are denied without prejudice.

Dated: New York, New York
November 18, 2008

SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge

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